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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/826,452 04/04/01 JENSEN

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QM12/1002

EXAMINER

DEXTER, C

ART UNIT

PAPER NUMBER

3724

DATE MAILED:

10/02/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/826,452

Applicant(s)
Jensen

Examiner
Clark F. Dexter

Art Unit
3724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed with the original papers on April 4, 2001 (paper no.2) has been received and the references listed thereon have been considered.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because the filing date listed for application serial number 09/550,538 is incorrect. The correct date is 04/14/00. ✓

Drawings

3. The drawings are objected to because of the following informalities:

Numeral ⁸⁴~~46~~ (described on page 11, line 16) is not shown.

In Figure 2, ✓ numeral 31 appears to be inaccurate and it seems that it should be deleted and it seems that it should be relocated generally in an area under numeral 75 with a lead line that extends to the horizontal surface under the lead line for numeral 75 and on which plate 45 slides.

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In Figure 3, numerals 31 and 32 appear to be inaccurate since they are described as faces, and seems that numeral 31 should be deleted (since it is not visible in this view), and numeral 32 should be deleted and relocated and underlined on the lower upwardly facing surface of 29 (e.g., it could be located below numeral 33).

Appropriate correction is required.

Specification

4. The disclosure is objected to because of the following informalities:

On page 8, line 27, "includes" appears to be inaccurate since the second face 32 is part of monolithic portion 29 and movable plate 48 is slidably movable on second face 32; in lines 24 and 25, numeral 39 is inaccurate and should read --41--.

On page 9, line 6 "to first face 31" appears to be inaccurate; in line 7, "to second face 32" appears to be inaccurate; in line 30, numeral 39 is inaccurate and should read --41--.

On page 10, line 4, "is" should be deleted for clarity; also in line 4, "to first face 31" appears to be inaccurate; in lines 5-6, "to second face 32" appears to be inaccurate.

On page 11, line 5, "20b" appears to be inaccurate, and it seems that it should be changed to --20a--; in line 8, it seems that --of-- should be inserted before "first"; in line 9, "upper end" is unclear as to what is the "upper" end, and it seems that "upper" should be deleted; in line 12, "upper end" is unclear as to what is the "upper" end of a hole; in line 16, ³⁴~~85~~ is not shown and appears to be inaccurate, and it seems that it should be changed to --85--.

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On page 12, line 2, “92” is inaccurate and should be changed to --93--; in line 17, “to first face 31” appears to be inaccurate; in line 22, “on first face 31” appears to be inaccurate.

On page 13, line 5, “on second face 32” appears to be inaccurate; in line 6, “on first face 31” appears to be inaccurate.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 4, “a first end a second end” is vague and indefinite as to what is being set forth, and it seems that a comma --,-- should be inserted after “first end” or the like; in line 5, “opposing bends” is vague and indefinite as to which bends define the plurality that is being set forth (e.g., if the first set of opposing bends are positioned about the first set of returns, how are they “opposing?”); in lines 5-6, the recitation “a plurality of leg segments interconnecting a second plurality of opposing bends” renders the claims vague and indefinite, particularly as to how the plurality of leg segments relates to the first plurality of opposing bends; in line 7, it seems that a comma --,-- should be inserted after “returns” for clarity.

In claim 7, line 2, “having” renders the claim vague and indefinite, and it seems that it should be deleted or the like.

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In claim 8, line 5, "a first end a second end" is vague and indefinite as to what is being set forth, and it seems that a comma --,-- should be inserted after "first end" or the like; in line 6, "opposing bends" is vague and indefinite as to which bends define the plurality that is being set forth (e.g., if the first set of opposing bends are positioned about the first set of returns, how are they "opposing"?); in lines 6-7, the recitation "a plurality of leg segments interconnecting a second plurality of opposing bends" renders the claims vague and indefinite, particularly as to how the plurality of leg segments relates to the first plurality of opposing bends; in line 8, it seems that a comma --,-- should be inserted after "returns" for clarity; in line 9, "an aperture" is vague and indefinite as to whether it refers to that set forth in line 2 or to another such aperture; in line 12, "having" renders the claim vague and indefinite, and it seems that it should be deleted or the like.

Prior Art

6. Further consideration of the claimed invention with respect to the prior art will be given upon clarification of the claimed invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.

A handwritten signature in black ink, appearing to read 'Clark F. Dexter', written in a cursive style.

Clark F. Dexter
Primary Examiner
Art Unit 3724

cf
October 1, 2001

Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.